

NO. PD-0881-20

---

IN THE COURT OF CRIMINAL  
APPEALS OF THE STATE OF TEXAS

FILED  
COURT OF CRIMINAL APPEALS  
12/7/2021  
DEANA WILLIAMSON, CLERK

---

CRYSTAL MASON,

*Appellant,*

V.

STATE OF TEXAS,

*Appellee.*

---

From the Second Court of Appeals,  
Cause No. 02-18-00138-CR

Trial Court Cause No. 148710D  
From the 432nd District Court of Tarrant County, Texas  
The Honorable Ruben Gonzalez, Jr. Presiding

---

MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF

---

TO THE HONORABLE JUDGES OF THE COURT OF CRIMINAL  
APPEALS:

Pursuant to Texas Rule of Appellate Procedure 70.4, Crystal Mason,  
Appellant, respectfully submits this motion for leave to file a supplemental brief. In  
support of this Motion, Ms. Mason shows the Court the following:

1. This case was submitted to the Court of Criminal Appeals on August  
25, 2021.
2. Legislation and legislative authority passed in the second special

session of the 87th Texas legislature materially impacts and provides further support for Appellant's case.

3. In particular, and as discussed in detail in the proposed Supplemental Brief:

- SB 1, which went into effect on December 2, 2021, clarifies that the submission of a provisional ballot is not sufficient to demonstrate that an individual knew they were ineligible to vote and is explicitly retroactive; and
- House Resolution 123 expresses the overwhelming and bipartisan view of the House that Section 64.012(a)(1) does not permit prosecutions of individuals who make innocent mistakes concerning their eligibility.

4. Appellant requests leave to file a short supplemental brief, 9 pages in length, to provide the Court with explanation of these legislative authorities that materially impact Appellant's claims.

5. The supplemental brief is not intended to widen the scope of issues on which Appellant's petition for review was granted or to introduce any theory not already presented to this Court, but merely to include recent and relevant legislative authority that did not yet exist when Appellant submitted prior briefs to the Court.

### **PRAYER**

For the foregoing reasons, Ms. Mason respectfully asks the Court to grant leave to file the Appellant's Supplemental Brief.

Emma Hilbert  
Texas Bar No. 24107808  
Hani Mirza  
Texas Bar No. 24083512  
Texas Civil Rights Project  
1405 Montopolis Drive  
Austin, TX 78741-3438  
Telephone: (512) 474-5073 ext. 105  
Fax: (512) 474-0726  
emma@texascivilrightsproject.org  
hani@texascivilrightsproject.org

Sophia Lin Lakin\*  
New York Bar No. 5182076  
American Civil Liberties Union  
125 Broad Street, 18th Floor  
New York, NY 10004  
Telephone: (212) 519-7836  
Fax: (212) 549-2654  
slakin@aclu.org

Respectfully submitted,

/s/ Thomas Buser-Clancy  
Thomas Buser-Clancy  
Texas Bar No. 24078344  
Andre Segura  
Texas Bar No. 24107112  
Savannah Kumar  
Texas Bar No. 24120098  
ACLU Foundation of Texas, Inc.  
5225 Katy Freeway, Suite 350  
Houston, TX 77007  
Telephone: (713) 942-8146  
Fax: (915) 642-6752  
tbuser-clancy@aclutx.org  
asegura@aclutx.org  
skumar@aclutx.org

Alison Grinter  
Texas Bar No. 24043476  
6738 Old Settlers Way  
Dallas, TX 75236  
Telephone: (214) 704-6400  
alisongrinter@gmail.com

Kim T. Cole  
Texas Bar No. 24071024  
2770 Main Street, Suite 186  
Frisco, Texas 75033  
Telephone: (214) 702-2551  
Fax: (972) 947-3834  
kcole@kcolelaw.com

*Counsel for Appellant, Crystal Mason*  
*\*Admitted pro hac vice*

## **CERTIFICATE OF SERVICE**

In accordance with the Texas Rules of Appellate Procedure, I hereby certify that a true and correct copy of this Motion has been served on counsel of record and the State Prosecuting Attorney via e-service on December 3, 2021.

Thomas Buser-Clancy  
Thomas Buser-Clancy

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Christopher Clay on behalf of Thomas Buser-Clancy  
Bar No. 24078344  
cclay@aclutx.org  
Envelope ID: 59695335  
Status as of 12/7/2021 9:51 AM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Neal SManne		nmanne@susmangodfrey.com	12/3/2021 2:53:12 PM	SENT
Robert Rivera		rrivera@susmangodfrey.com	12/3/2021 2:53:12 PM	SENT
Tom Leatherbury		tleatherbury@velaw.com	12/3/2021 2:53:12 PM	SENT
Robert R.Landicho		rlandicho@velaw.com	12/3/2021 2:53:12 PM	SENT
Ashley Wiens		awiens@velaw.com	12/3/2021 2:53:12 PM	SENT
Joseph Wilson Spence	18913500	jwspence@tarrantcountytexas.gov	12/3/2021 2:53:12 PM	SENT
Keeley Lombardo		klombardo@susmangodfrey.com	12/3/2021 2:53:12 PM	SENT
Tanya McGinnis		tmcginnis@susmangodfrey.com	12/3/2021 2:53:12 PM	SENT
Rebecca HarrisonStevens		beth@texascivilrightsproject.org	12/3/2021 2:53:12 PM	SENT
Stacey Soule		information@spa.texas.gov	12/3/2021 2:53:12 PM	SENT
Helena Faulkner		coaappellatealerts@tarrantcountytexas.gov	12/3/2021 2:53:12 PM	SENT
Kevin Dubose		kdubose@adjtlaw.com	12/3/2021 2:53:12 PM	SENT
Christine Sun		christine@statesuniteddemocracy.org	12/3/2021 2:53:12 PM	SENT
Kathleen R.Hartnett		khartnett@cooley.com	12/3/2021 2:53:12 PM	SENT
Julie Veroff		jveroff@cooley.com	12/3/2021 2:53:12 PM	SENT
Darina Shtrakhman		dshtrakhman@cooley.com	12/3/2021 2:53:12 PM	SENT

Associated Case Party: Crystal Mason

Name
Sophia LinLakin
Thomas Buser-Clancy
Emma Hilbert
Hani Mirza

### **Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Christopher Clay on behalf of Thomas Buser-Clancy  
Bar No. 24078344  
cclay@aclutx.org  
Envelope ID: 59695335  
Status as of 12/7/2021 9:51 AM CST

Associated Case Party: Crystal Mason

Alison Grinter		alisongrinter@gmail.com	12/3/2021 2:53:12 PM	SENT
Dale E.Ho		dho@aclu.org	12/3/2021 2:53:12 PM	SENT
Kim T.Cole		kcole@kcolelaw.com	12/3/2021 2:53:12 PM	SENT
Andre Segura		asegura@aclutx.org	12/3/2021 2:53:12 PM	SENT
Savannah Kumar	24120098	skumar@aclutx.org	12/3/2021 2:53:12 PM	SENT